



Ely Segal <segal96@gmail.com>

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## Fwd: U.S. Eastern District of NY

1 message

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**Herman Segal** <segalherman@gmail.com>  
To: Ely Segal <segal96@gmail.com>

Mon, Aug 22, 2022 at 11:34 PM

Sent from my iPhone

Received by Pro Se Office  
on Aug 22, 2022, 11:42 PM via Box.com

Begin forwarded message:

**From:** Herman Segal <segalHerman@gmail.com>  
**Date:** August 22, 2022 at 10:57:36 PM EDT  
**To:** Herman Segal <segalHerman@gmail.com>  
**Subject:** U.S. Eastern District of NY

**United States District Court  
Eastern District of New York (Brooklyn)  
Civil Docket for case # 1:21-CV – 01540-  
PKC-TAM**

As per the Order of the Honorable Taryn A. Merkel, Magistrate in the Eastern District of New York;  
Notice to Defendant in Re: Wilmington Trust N.A. Plaintiff, V. Herman Segal, Defendant;

I am hereby responding to Plaintiffs Motion for Default. As per order of the honorable Taryn A Merkl  
graciously offered me an opportunity to inform the court and Plaintiff of my views on or before 8/22/22  
and I hereby respond accordingly.

# 1. Regarding Notice:

Although counsel for Plaintiff avers that I was properly served; and I'm sure that Holland and Knight, the  
attorneys for the Plaintiff attempted to do so; the facts are as follows; I have not lived at [4115 Quentin  
Rd.](#) since March 2020 when I was physically evicted from my home by a NYC Marshal.

I lived in my daughter's basement for 6 months. Towards the end of August 2020, my wife and I moved  
to [1535 E 17th st, Apt 4R](#), in Brooklyn, NY, a mixed use building, consisting of 10 families & several  
businesses, and where I reside today.

Due to often excruciating pain in my back, and in various other joints in my body, in the past 10 years I  
have been on a Medical regimen of over a dozen Prescriptions, including high doses of Xanax,  
Oxycodone, Oxymorphone, Amphetamines, Gabapentin and anti-depressants.

In the past 2 years, due to autoimmune disease, including Osteoarthritis that has destroyed the  
Cartilage in my joints, and Spinal Stenosis, I have had neurosurgery on my spine, total replacement of  
both my right hip & left hip, and laser surgery on my eyes.

I was never personally served, and I never received anything regarding this case by Certified Mail, nor  
did I receive any notice of Certified Mail. To the best of my knowledge, there was never anything  
attached to my apartment door, nor was there anything ever attached to the outside door of my building.

I first became aware of this action when I received a notice from the court of an April 28th hearing. As I

did not see the letter until after the scheduled hearing, I did not respond. Finally I received the instant notice to which I am now responding.

## 2. Factual or legal objections to plaintiffs claims:

Starting with plaintiff's Amended Complaint (Document 23)

As to the parties jurisdiction and venue I have no objection.

### III. Factual Background:

#### 6. Defendant's intentional efforts to interfere...

7. Defendant has a well documented history of dishonesty and concealment in multiple facets of his life.... took affirmative steps acceptance to conceal the death of his mother ..... with the sole purpose to put him in a position to demand money from the Plaintiff.

9. .... his misrepresenting his mother's birthdate and Social Security number on her death certificate ....

23. Defendant took deliberate and affirmative actions to conceal Mrs. Segal's death.

24. Utilizing a false Social Security number and birthdate on both the name change submission and the death certificate and using an alternate name for himself in submitting the information for the death certificate.

25. The form submitted to the court lists her name as Lilly Segal born January 14, 1924 rather than her actual birthdate of March 26, 1926.

26. .... and the false birthdate and Social Security number utilized on the form are the same false numbers provided by Herman when submitting her information to the funeral home following her death.

33. The false Social Security number provided for Lilly Segal a.k.a. Sprinta Berger is nearly the same as Lilly Segal's actual Social Security number with only two numbers changed.

34. The slightly modified Social Security number was provided to Jewish Funeral Services of Brooklyn by "Herschel Siegel" whom the funeral home lists as the "son" of the deceased.

35. The funeral home expenses associated with the transfer and burial of Lilly Segal's remains were paid by check from an Estate for which Herman Segal is the executor as evidenced on the face of the check itself.

39. All of the actions taken by defendant in obfuscating the fact and date of Lilly Segal's death were taken in an effort to conceal proof of his mothers death and impact the legal rights of insurance policy beneficiaries like, and including Security Intermediary. Specifically defendant wanted to financially profit from his mothers death. In fact, after her death, Herman Segal was approaching owners of policies of the life of his mother and offering to provide information regarding her death and death certificate in exchange for a substantial cash payment.

Plaintiff alleges that I changed a few digits of my mother's Social Security #, and changed her birthdate when she did the name change. And that I then used the same information when I filed the Death Certificate.

A. If I wanted to "obfuscate" anything, why would I just change her Social Security # by transposing 2 digits? And more so, why would I use the same information on the Death Certificate? If I wanted to "obfuscate", why not use a wholly different Social Security #? And why would I use the exact same information for the Death Certificate? And furthermore why would I use my name, slightly misspelled, use my own phone #, and pay with my check? In fact, why wouldn't I just bury my mother in a different plot, in a different cemetery, with a death certificate using a totally different Social Security # & different birthdate?

B. Isn't it more plausible that the Social Security # was an honest mistake; and that as I didn't physically fill out the death certificate, rather it was filled out by the Funeral Director, who took the information orally, and misspelled my name?

C. Why does the Plaintiff; who seems to have affidavits for everything, have none that substantiate the claim that I "was approaching owners of policies" and offering information in exchange for substantial cash"? Especially because that seems to be an integral claim of the Plaintiff; providing a motive for, and inconsistent with my "pattern of dishonesty"?

D. More telling, why doesn't Plaintiff claim that they were approached & offered information for cash?

E. Isn't it more likely that there was no attempt to "obfuscate" anything?

## Herman Segal's history of dishonesty

Plaintiff then attempts to paint a picture of my "History" of dishonesty; to wit:

40. Defendant's actions in attempting to conceal his mother's death are not surprising given his well documented history of fraudulent and dishonest conduct.

41. For example on July 9, 2015 defendant executed a sworn affidavit ..... wherein the defendant admitted that he took out a loan on his mothers home by defrauding Mrs. Segal into signing a loan document to Mortgage her home without her knowledge.

43. Defendant admitted that he also forged his wife's signature in order to notarize the fraudulent affidavit.

44. In an order issued on a bankruptcy proceeding filed on behalf of defendant - which defendant later sought to have dismissed after admitting it was only filed to halt a foreclosure sale - a judge from the United States bankruptcy court found the defendant took steps to conceal information from the court and the Bankruptcy Trustee. In particular the Court found that Defendant "operated in bad faith"; "refuse[d] to testify or produce documents"; "inconsistent[ly]" invoked the Fifth Amendment in refusing to provide information, "refuse[d] to cooperate with the trustee and [was] reticent to make full disclosures to the Court, and that Defendant's assurances to the Court were "not credible".

45. In that same action, the Court issued a separate order requiring Defendant to turn over all his electronic devices for imaging after it found that Defendant "refused to obey" Court Orders requiring to turn over information to the Bankruptcy Trustee and held Defendant's actions were "improper and unjustified".

46. Most recently, on December 2, 2020 the United States filed a criminal indictment against defendant for concealing revenue from the Internal Revenue Service, in part by using nominee bank accounts and check cashing stores to hide revenue from the United States government and avoid paying taxes.

47. Notably, Defendant is a law school graduate was a member of the State of New York bar until he was disbarred in 1990 after being convicted of two counts of conspiracy to commit murder for attempting to arrange the murder of his sister-in-law and her father in retaliation for the death of his brother

There seems to be 4 items in my alleged dishonesty.

A. The mortgage on my mother's house. As I am her only surviving child, I hardly think that taking out a mortgage on her home when her health was declining, and needing funds for her upkeep, is signs of dishonesty.

B. Bankruptcy. Extricating several sentences in a proceeding that produced hundreds of submissions, and which dealt with a bankruptcy that I did not want to be in (I did not file the bankruptcy to cancel any debts, and insisted that the bankruptcy should not cancel any debts, if in fact I had any), hardly shows evidence of dishonesty.

C. An indictment of Tax Evasion, is not a conviction. Is there not an assumption of innocence until proven guilty?

D. My conviction in 1990 for conspiracy to commit murder, regarding a case where my only sibling was murdered by his brother-in-law, and father-in-law; and my wishing to avenge his death, perhaps shows character flaws, but does not show "dishonesty".

51. Notwithstanding having received clear proof of death (thus satisfying the prerequisite to payment under the policies), John Hancock has refused to pay the death benefit old under the policies and in so doing has breached the policies.

Finally the figurative Cat is out of the Bag! The Plaintiff admits that they have everything they need to get paid; but John Hancock, illegally, refuses to do so. So why are the Plaintiffs suing Herman Segal; whom they know is incapable of paying \$19M, or for that matter \$19,000!

The obvious answer, is that Plaintiff wishes to use this action as a cudgel to get John Hancock to pay them. The Plaintiff is wasting this courts resources in an attempt to get a judgment against Herman Segal; and at the same time get a declaratory judgment that Lilly Segal died on November 7, 2018; and more important, that Lilly Segal was born on March 26, 1926 which is simply a lie.

Plaintiff maintains that the driver's license of Lilly Segal shows her date of birth. As Lilly Segal never had a drivers license, it's interesting that plaintiff is claiming that her non-existent driver's license shows that she was born on 3/26/26.

[Just on the face of the License (which by the way, does not feature the face of Lilly Segal), it's patently obvious that the license is fraudulent. Any New Yorker knows that a NY Drivers License always expires on the Drivers birthday, which is not the case here.]

Plaintiff is asking for judgement based on Tortious Interference.

In 56. Plaintiff claims that I know that Plaintiff is the owner of the policy. Based on what? How would I know what happened to the policy in 2016, when Wilmington Trust, N.A., acting as a Securities Intermediary for Geronta Funding. Is there any claim by Plaintiff, that when the policy was allegedly bought by them, I was notified?

In 58. Plaintiff claims that I changed my mother's Social Security # by changing 2 digits. Wouldn't I have changed more than 2 digits if I wanted to prevent Plaintiff from collecting on the Policy? Additionally, Plaintiff claims that I changed her birthdate. Has Plaintiff ever examined Lilly Segal's medical file? One would think that a buyer of 2 policies with a Death Benefit of \$19 Million & Premiums of close to a \$1,000,000 a year; doesn't buy the policy without looking at the Insured's medical Records. And interestingly enough, ALL of Lilly Segal's medical records show her date of birth as being 1/14/24. Isn't it interesting that Plaintiff only mentions 1/14/24 as the "fake" date that was used in both the name change & the Death Certificate? And if I wanted to "obfuscate" the matter, why use the same alleged, "fake" birthdate?

In actuality, 1/14/24 was her real birthdate, and that's why it was the date the Social Security Administration had for her, why it was on her medical file, and why it was on her name change, and Death Certificate.

Plaintiff's memorandum of law is rife with half truths, lies, & twisted logic. Certainly giving me an opportunity to respond would at least not make a mockery of Plaintiff's request for a Jury Trial.

For the reasons above, Defendant hereby asks that Defendant be awarded Summary Judgement, and that the Court should find for the Defendant. Barring that, Defendant should at least have the opportunity to be heard.

Respectfully Submitted,  
Herman Segal, Pro Se  
8/22/22